

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.212 pertaining additional	)	AMENDMENT
requirements for cattle	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

1. On September 20, 2012, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on, August 20, 2012 to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

32.3.212 ADDITIONAL REQUIREMENTS FOR CATTLE (1) through (1)(b) remain the same.

(c) nonvaccinated female cattle less than 11 months of age placed under a hold order for Brucellosis vaccination or spaying within 30 days of arrival; and

(d) remains the same.

(2) Sexually intact cattle, 12 months of age and older, originating from outside the United States must have a negative brucellosis test within 30 days of arrival.

(2) remains the same but is renumbered (3).

~~(3)~~ (4) Sporting bovines originating from a tuberculosis accredited free U.S. state or zone require a negative tuberculosis test performed by an accredited veterinarian within ~~60 days~~ six months prior to importation if they:

(a) through (c) remain the same.

~~(4)~~ (5) Test-eligible cattle originating from a tuberculosis modified accredited advanced U.S. state or zone, or from outside the United States, must meet one of the following:

(a) through (d) remain the same.

(6) All male calves less than 30 days of age imported into the state of Montana without their dams must be:

(a) held in isolation and cannot be resold for 30 days after entry; and

(b) individually identified by an official ear tag at the state of origin.

(7) All female calves less than 30 days of age imported into the state of Montana without their dams must be:

- (a) held in isolation for 30 days after entry;
- (b) cannot be resold until they are officially calfhood vaccinated after four months of age; and
- (c) individually identified by an official eartag at the state of origin.
- (5) through (11) remain the same but are renumbered (8) through (14).

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA  
IMP: 81-2-102, 81-2-703, MCA

REASON: Section 81-2-102, MCA requires that official orders last no more than five years. Changes in ARM 32.3.212 incorporate outdated official orders. The proposed rule revision improves readability.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., August 27, 2012.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. August 27, 2012.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this Proposal Notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all

concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ George H. Harris  
George H. Harris  
Rule Reviewer

Certified to the Secretary of State July 16, 2012.